

3979. Misbranding of "Ozomulsion." U. S. v. The T. A. Slocum Co. Plea of guilty. Fine, \$80. (F. & D. No. 6045. I. S. Nos. 4407-e, 5606-e.)

On April 22, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district 2 informations against the T. A. Slocum Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on October 2, 1912, from the State of New York into the State of Tennessee, and on November 8, 1912, from the State of New York into the State of Missouri, of 2 consignments of "Ozomulsion," which article was misbranded. The product was labeled. (On front of bottle) "Rich in Cod Liver Oil Norway Gold Medal Ozomulsion No other Emulsion has the Quality For Throat and Lung Trouble, Coughs, Catarrh, Bronchial Affections, La Grippe, Pneumonia, Loss of Voice, and Consumption; also for Scrofula and Blood Disorders, Malaria, Rheumatism, Nervous and General Debility, Night Sweats, Rickets, Anæmia, and Loss of Flesh. Ozomulsion is the Original and Only Emulsion of pure Ozonized Lofoten Norway Gold Medal Cod Liver Oil, with Hypophosphites of Lime and Soda, and chemically pure Glycerine. Thoroughly Emulsified without saponification. It increases the appetite and aids nature in producing rich blood and strength. A Valuable Food. Ozomulsion is a Flesh-Forming Food Tonic for thin women, emaciated men, worn-out mothers and thin children. By its faithful use, all may receive new strength, vitality, vim and vigor, and become sturdy, healthy, plump, and pure-blooded. Directions—One Tablespoonful after meals and at bed time. Children, proportionate dose, according to age. It may be taken in milk, water or wine well stirred. Shake well. Guaranteed by Ozomulsion Co. of New York and London under the Food and Drugs Act, June 30, 1906. Guaranty No. 332. Shake Well Keep Cool. Ozomulsion Trade Mark Prepared by Ozomulsion Co. New York, London—Paris Branches: Mexico. Habana. Santiago. Lima. Buenos Ayres. Rio Janeiro. Madrid. (Foregoing paragraph encircled by a large O) Trade Mark Made in America and Europe." (Blown in bottle): "Ozomulsion." (On front of carton) "Rich In Cod Liver Oil Norway Gold Medal Ozomulsion Contains Over 8 Ounces No Other Emulsion Has The Quality. Ozomulsion Is A Scientific Pharmaceutical Combination of the Purest Lofoten Norway Gold Medal Cod Liver Oil, Hypophosphites of Lime and Soda and Chemically Pure Glycerine, All Thoroughly Emulsified, Ozonized, and Prepared Under The Supervision of Expert Chemists and Physicians in Accordance with our Original Process, Known Only to and Discovered by Ozomulsion Co. of London and New York. Forming the Very Best and Strongest Vitalized and Ozonized Emulsion Tonic Food Known to Medical Science. Guaranteed by Ozomulsion Co. of New York and London Under Food and Drugs Act, June 30, 1906 Guarantee No. 332. Ozomulsion Trade Mark Prepared by Ozomulsion Co. New York, London—Paris. Branches: Mexico. Habana. Santiago. Lima. Buenos Ayres. Rio Janeiro. Madrid. (Foregoing paragraph enclosed in a large O) No Other Cod Liver Oil Emulsion Bottle Contains So Great A Quantity Made in America and Europe" (On back of carton in Spanish) Translation: "Ozomulsion is a new emulsion of Pure Lofoten cod liver oil combined with chemically pure glycerine and hypophosphites of lime and soda. Cures permanently affections of the throat, chest and lungs, tuberculosis, consumption, phthisis, catarrh, cough, whooping cough, colds, bronchitis, asthma, grippe, pneumonia, and all kinds of lung diseases. Also scrofula, skin diseases, neuralgia, rheumatism, disorders of the blood, St. Vitus dance, epilepsy, nervous debility and immoderate physical exhaustion, fever, loss of sleep, night sweats, malaria, rachitis, or softening of the bones in children, catarrhal affections of the stomach and intestines, chlorosis, anæmia or poor blood, loss of flesh, and, in general, all kinds of debilitating diseases or those caused by lack of proper nutrition. For convalescents it is a peerless regenerator. A marvelous food-tonic medicine which gives life and produces flesh and strength. * * *

In the booklet accompanying the article appeared, among other things, the following: "The Fatal Pneumonia * * * Treatment—During the winter and spring, after exposure to cold, if any of the above symptoms are manifest, the prompt and continuous use of Ozomulsion will destroy the bacilli before they have begun to multiply, thus preventing the disease. * * * The Lungs and general system are greatly debilitated after Pneumonia, and the condition favors the development of Consumption, if the patient is exposed to the contagion of the *tubercle-bacilli*. For this reason, Ozomulsion is the remedy above all others that should be used to build up the system, repair the lung tissue, and prevent the lodgment of other diseases."

Analysis of a sample of the product contained in one of the shipments by the Bureau of Chemistry of this department showed the following results:

Total solids (per cent).....	56.5
Ash (per cent).....	0.58
Cod liver oil, by Babcock method (per cent).....	35.2
Cod liver oil, by ether extraction (per cent).....	33.4
Glycerin (per cent).....	17.05
Hypophosphites: Present.	
Alkaloids, and iron salts: Absent.	
Peroxids or ozone: Absent.	

Tests indicate that the cod liver oil used had not been ozonized or treated with peroxids.

Analysis of a sample from the other shipment by said Bureau of Chemistry showed the following results:

Specific gravity, at 25° C.....	1.014
Nonvolatile matter, at 100° C. (per cent).....	53.47
Ash (per cent).....	1.09
Cod liver oil, by Babcock method (per cent).....	30.04
Cod liver oil, by ether extraction (per cent).....	28.54
Hypophosphites of calcium and sodium: Indicated.	
Glycerin: Present.	
Ozone or peroxid, alkaloids: None.	

Sample appears to be an emulsion of cod liver oil and glycerin, with the addition of phosphorus compounds of calcium and sodium.

Misbranding of the product was alleged in both informations for the reason that the following statements appearing on the label aforesaid, to wit, (In Spanish on carton) "Ozomulsion * * * Cures permanently * * * tuberculosis, consumption, phthisis * * * whooping cough * * * pneumonia, and all kinds of lung diseases. Also * * * St. Vitus dance, epilepsy, * * * night sweats, malaria * * *", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective for permanently curing tuberculosis, consumption, phthisis, whooping cough, pneumonia, and all kinds of lung diseases, St. Vitus's dance, epilepsy, night sweats, and malaria, when, in truth and in fact, said article was not in whole or in part composed of and did not contain ingredients or medicinal agents effective for curing tuberculosis, consumption, phthisis, whooping cough, pneumonia, and all kinds of lung diseases, St. Vitus's dance, epilepsy, night sweats, and malaria. Misbranding was alleged for the further reason that the following statements appearing in the booklets aforesaid, to wit, "The Fatal Pneumonia * * * the prompt and continuous use of Ozomulsion will destroy the bacilli before they have begun to multiply, thus preventing the disease. * * * The Lungs and

general system are greatly debilitated after Pneumonia, and the condition favors the development of Consumption, if the patient is exposed to the contagion of the tubercle-bacilli. For this reason, Ozomulsion is the remedy above all others that should be used to build up the system, repair the lung tissue, and prevent the lodgment of other diseases", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, for curing pneumonia and preventing the development of consumption following pneumonia, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective for curing pneumonia or for preventing the development of consumption following pneumonia, or at any other time.

On April 30, 1915, the defendant corporation entered pleas of guilty to the informations, and the court imposed a fine of \$40 on each information, making an aggregate fine of \$80.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*